

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KICKFLIP, INC., a Delaware corporation,

Plaintiff,

v.

FACEBOOK, INC., a Delaware corporation,

Defendant.

C.A. NO. 12-1369-LPS

JURY TRIAL DEMANDED

KICKFLIP, INC.'S MOTION TO DISMISS

Pursuant to Fed. R. Civ. P. 12(b)(6), Kickflip, Inc. ("Kickflip") respectfully requests that the Court dismiss the Counterclaims of Defendant Facebook, Inc. ("Facebook") with prejudice in its entirety as those claims fail to state a claim upon which relief can be granted. The grounds for this motion are set forth in the Opening Brief submitted herewith.

Dated: November 12, 2013

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[PROPOSED] ORDER GRANTING KICKFLIP, INC.'S MOTION TO DISMISS

Upon consideration of Kickflip's Motion to Dismiss and Facebook's response, the Court has determined that Kickflip's Motion to Dismiss should be, and hereby is, GRANTED with prejudice.

Dated: _____, 2013

Leonard P. Stark
United States District Judge.